

July 21, 1999

TOWN OF DAVIE
PLANNING AND ZONING DEPARTMENT
PLANNING REPORT

SUBJECT: Variance V 6-2-99

APPLICANT: Teddy Nadel, petitioners / Anthony DeRiggi, owner

ADDRESS/LOCATION: 15051 SW 27th Street / generally located on the north side of SW 27th Avenue, approximately 650 feet west of 148th Avenue.

LAND USE PLAN/ZONING: Residential (1 du/ac) / A-1

REQUEST: **From:** Section 12-33(A)(2) which requires accessory structures over 150 square feet in area to provide a minimum rear yard of 40 feet in the A-1 district;
 To: Reduce the required rear yard setback from 40 feet to 36 feet.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is 1 acre in area containing a single family residence with an existing 966 square foot storage shed to the rear (see Exhibit "A"). The lot is bound on the east and west by similarly developed single family homes zoned A-1, and vacant land zoned A-1 to the north and south, across SW 27th Street.

As a result of a call from a concerned resident, a Town Inspector visited the site to find the existing shed structure was constructed without benefit of a building permit. The owner was notified they would have obtain a building permit to allow the structure to remain. On June 17, 1999, a building permit was submitted by the owner. During the permit review process the Planning and Zoning Division identified the structure did not meet the required rear yard setback and would require a variance prior to building permit approval.

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto and made a part hereof. Comprehensive Plan Policy 25-2 provides that land development regulations shall establish setbacks or separation regulations to enhance living and working environments. Setback requirements address this policy and are dimensioned to be reflective of the district intensity and bulk characteristics.

The petitioner states, the proposed variance is the minimum request as the structure exists on the property and the discrepancy is limited to only 4 feet. If this petition were denied, there would be a significant cost to remove that portion of building which encroaches into the setback. The estimated value of the structure is \$6,000. This does not reflect demolition cost.

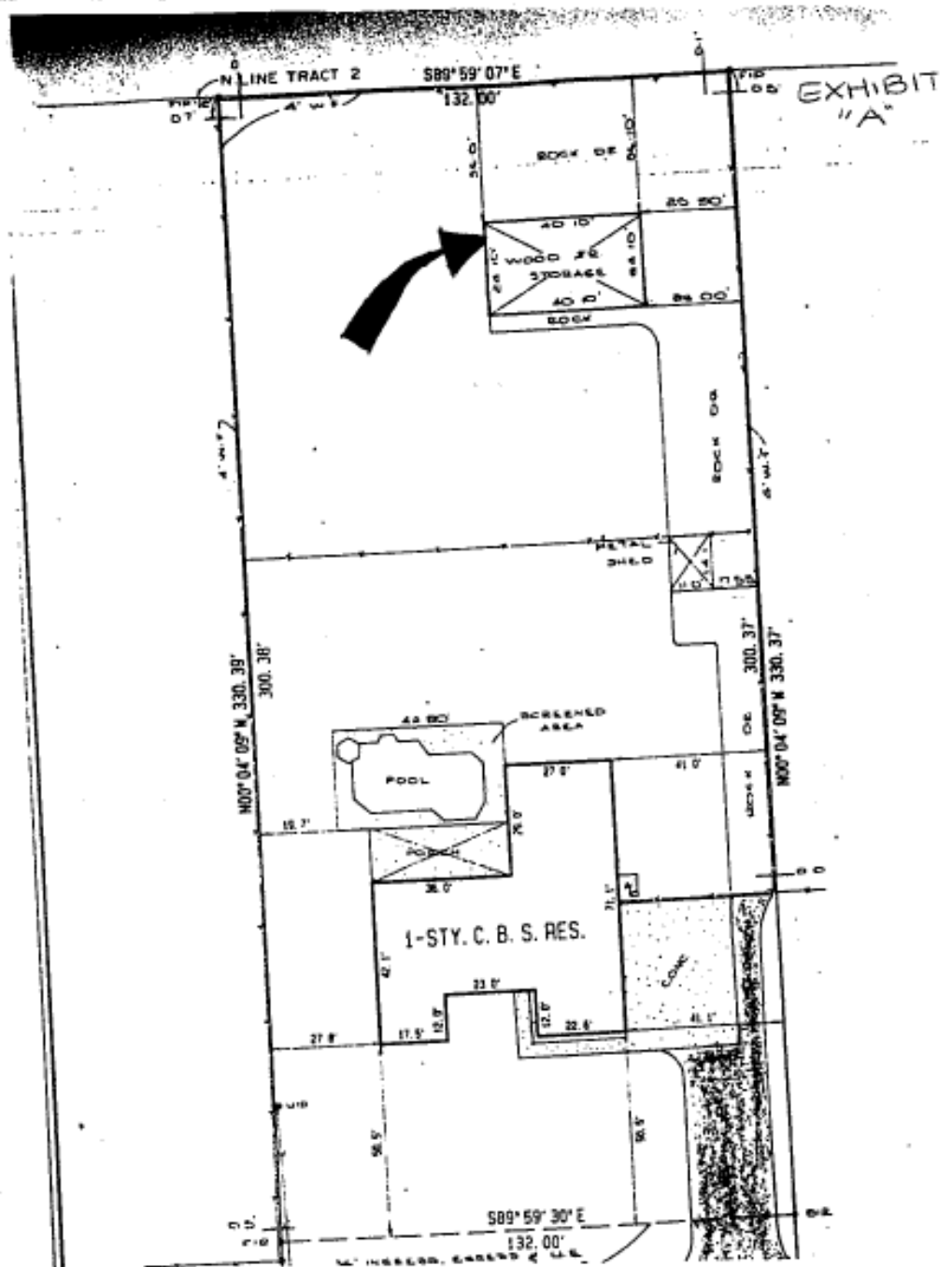
Staff does not find there are special circumstances which apply to the land for which the variance is sought, such that the the strict application of the provisions of the Code would deprive the applicant of the ability to use their property, and that the hardship is self-created.

RECOMMENDATION: The Planning and Zoning Department, therefore, recommends **DENIAL** of the requested variance to reduce the required rear yard setback from 40 feet to 36 feet, with a finding that the request would provide special privileges to the owner not provided to the surrounding properties, and that the petition is inconsistent with the Comprehensive Plan.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **DENIAL** (3-2), Jay Stahl and George Greb voted against the motion, July 14, 1999.

Prepared by: _____

Reviewed by: _____



**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-309. Review for variances.

Whether or not:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;
- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;
- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

EXISTING ZONING: A-1
CODE SECTION:

PROPOSED ZONING: NA
CODE SECTION:

LAND USE DESIGNATION: RESIDENTIAL (10U/AC)

FOLIO NUMBER X0021-01-0023X

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>V6-2-99</u>
FEE.	<u>400</u>
RECEIPT NO.	<u>7606</u>

RECEIVED
JUN 1 1999

TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED: May 26, 1999

PHONE: 295-2766

PETITIONER: Teddy Nadel

MAILING ADDRESS: 9031 Lake Park Circle N.
Davie, Florida 33328

RELATIONSHIP TO PROPERTY: Friend of owner

OWNER: Anthony A. De Riggi

MAILING ADDRESS: 15051 Southwest 27 St. Davie, Florida, 33331

ADDRESS OF PROPERTY: Same AS Above

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

ACREAGE: 1- Acre

REQUEST: TO REDUCE REAR SET BACK FROM 40' to 36'

REASON FOR REQUEST: (attach additional sheet as necessary)

SEE ATTACHED

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: Jat PUBLICATION DATE: 7/7/99
MEETING DATE: PLANNING AND ZONING BOARD: 7/14/99 TOWN COUNCIL: 8/4/99
NOTICES SENT: 15 REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____

ANTHONY A. DE RIGGI
OWNER'S NAME(S)

Anthony A. De Rigg
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

15051 Southwest 27 Street
ADDRESS

Davie, Florida, 33331
CITY, STATE, ZIP

954-472-4545
PHONE

TEDDY NADEL
PETITIONER'S NAME

Teddy Nadel
PETITIONER'S SIGNATURE

9031 Lake Park Circle No.
ADDRESS

Davie, Florida, 33328
CITY, STATE, ZIP

954-295-2766
PHONE

The foregoing instrument was acknowledged before me
this 25 day of MAY, 1999 by
ANTHONY DE RIGGI who is personally
known to me or who has produced FOL
D20 001-343810
as identification and who did take an oath.

NOTARY PUBLIC:
Sign: [Signature]
Print: DAVID A. HOFMANN
My Commission Expires: 9/17/02



David A. Hofmann
Commission # CC 776369
Expires SEP. 17, 2002
BONDED THRU
ATLANTIC BONDING CO., INC.

The foregoing instrument was acknowledged before me
this 25 day of MAY, 1999 by
TEDDY NADEL who is personally
known to me or who has produced FOL
N340 800360190
as identification and who did take an oath.

NOTARY PUBLIC:
Sign: [Signature]
Print: DAVID A. HOFMANN
My Commission Expires: 9/17/02



David A. Hofmann
Commission # CC 776369
Expires SEP. 17, 2002
BONDED THRU
ATLANTIC BONDING CO., INC.

OFFICE USE ONLY

LEGAL DESCRIPTION

The West 132 feet of the East 928 feet pf Tract 2 "Florida Fruti land's Company's Subdivision No. 1", of Section 21, Township 50 South, Range 40 East, as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida Said Lands Situated Lying and Being in Broward County, FLorida (1.00 acres)

FROM :

0

PHONE NO. : 954 7729885

Jun. 02 1999 08:52AM P1

TED NADEL

9031 LAKE PARK CIRCLE
DAVIE, FLORIDA 33328

TELEPHONE: (954) 295-2788

June 1, 1999

Town of Davie
Planning & Zoning Board
Davie, Florida

RECEIVED
JUN 1 1999

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

Dear Board Members:

We bought this property in 1998 and "without" the "rear storage". Somewhere down the line, we built a storage with 25.9' side setback and 36.0' rear set back, and no city permit.

We meet the 25' side setback as per zoning, however, our rear setback is only 36' and the code requires 40'. The granting of this variance is the minimum request that we are making and the storage will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

We would appreciate if you could grant us this waiver of the 40' setback to the 36' that we now have.

We are currently applying for an "after the fact building permit" so that we can get this storage area permitted, inspected, and; co'd.

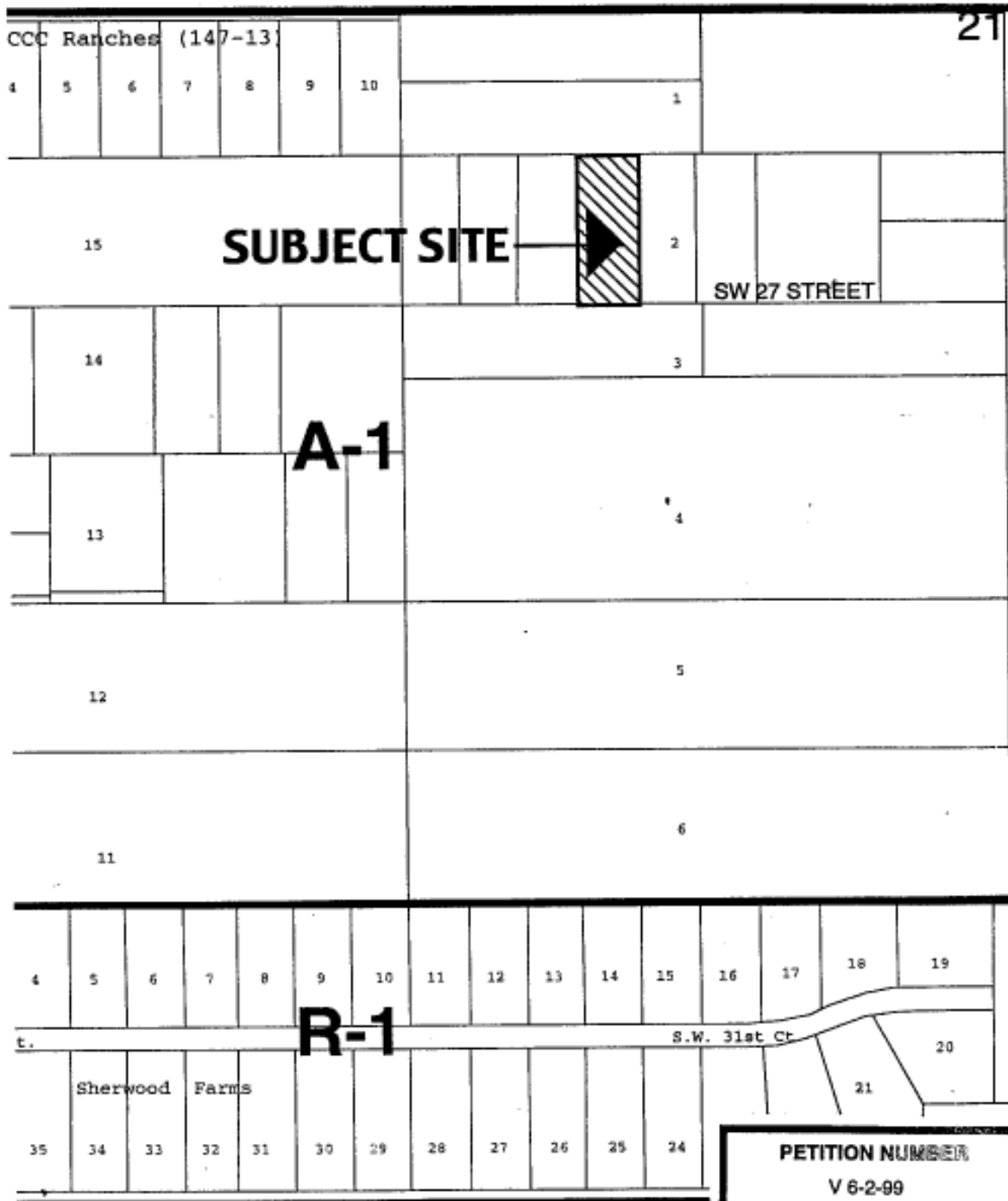
Your kind cooperation in this matter is greatly appreciated and I thank you in advance for your kind consideration.

Yours truly,



Ted Nadel

16/15
21/22



PETITION NUMBER		N
V 6-2-99		4
PREPARED 6/23/99		Scale: 1" = 300'
BY THE PLANNING & ZONING DIVISION		

